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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/578,896	03/20/2007	Kaoru Yokota	2006_0662A	3611
52349 7590 09/02/2010 WENDEROTH, LIND & PONACK L.L.P. 1030 15th Street, N.W. Suite 400 East Washington, DC 20005-1503				
EXAMINER AGGARWAL, YOGESH K				
ART UNIT 2622		PAPER NUMBER		
NOTIFICATION DATE 09/02/2010		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/578,896

Applicant(s)

YOKOTA ET AL.

Examiner

YOGESH K. AGGARWAL

Art Unit

2622

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 June 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3-11, 20-22 and 26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 20-22 is/are allowed.
- 6) ☒ Claim(s) 3-5, 7, 8 and 26 is/are rejected.
- 7) ☒ Claim(s) 6 and 9-11 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB06)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Response to Arguments

1. Applicant's arguments filed 06/21/2010 have been fully considered but they are not persuasive.

Examiner's response:

2. Applicant argues with regards to amended claim 1 that Aoki fails to teach "a receiving unit operable to receive first information and second information relating to image processing from one or more transmission devices, that the second information indicates image modification corresponding to an object, that a judging unit makes a judgment based on the first information, and that if the judging unit judges that an image is to be processed and output, an output unit performs the image modification indicated by the second information on the image". The Examiner respectfully disagrees. Aoki teaches at col. 7 lines 28-33, figure 9, step S901 if a blinking pixel in video exists. If the blinking pixel exists, the video is processed by converting the blinking pattern into ID information (step S902). If blinking pattern does not exist the video is not processed (see S905). Therefore the receiving unit (camera 701) operable to receive first information (blinking pattern information) is used to judge whether or not to perform image processing. Since this blinking pixel is a part of video and is processed (if it exists) to convert the blinking pattern into ID information, the image is judged as being processed or not based on the first information.

Aoki further teaches that if the ID information (second information) requests video processing e.g. "don't take a picture", video processing device 706 smudges the "don't take a picture of me" portion e.g., blacks the portion, or writes a character or sign representing "don't take a picture of me" in the video, and then outputs the processed video (col. 7 lines 35-47,

figure9). Therefore the claimed limitation is read as ID information is the second information relating to image processing from one or more transmission devices (tags), that the second information indicates image modification (blacks the image) corresponding to an object, an output unit performs the image modification indicated by the second information on the image.

Examiner understands applicant's invention in which the first transmission device is a gate which prestores the first information, and through which a user carrying the digital camera passes, and the second transmission device is an IC tag which prestores the second information, and which is attached to, hung around, or provided near the object as recited by claim 9. This feature is not taught by Aoki and therefore this claim would be indicated as allowable. However the independent claim is broad and therefore is broadly read on Aoki.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 3-5, 7, 8 and 26 are rejected under 35 U.S.C. 102(b) as being anticipated by Aoki (US Patent # 6,853,750).

[Claim 3]

A digital camera comprising (col. 4 lines 23-28): an imaging unit (CCD, col. 4 lines 37-41) operable to generate an image by photographing an object; a receiving unit (blinking light decoder 704 in figure 8) operable to receive information relating to image processing from one or more transmission devices (subject 803 has a tag 802 in figure 10) and a judging unit (video

processing device 706) operable to judge whether the image is to be output or not, based on the information received by the receiving unit and an output unit operable to, in accordance with the judgment made by the judging unit, output the image to a memory, or discard the image, the memory being readable by the digital camera (col. 5 lines 5-9, col. 7 lines 10-48, specifically col. 7 lines 40-48)

wherein the receiving unit receives the first information from a first transmission device; and receives the second information indicating from a second transmission device, wherein the judging unit makes the judgment based on the first information, and wherein if the judging unit judges that the image is to be processed and output, the output unit performs the image modification indicated by the second information on the image, and outputs the modified image to the memory (col. 7 lines 40-57).

[Claim 4]

Aoki teaches wherein the output unit performs the image modification to make the image visually distinguishable (col. 7 lines 40-57).

[Claim 5]

Aoki teaches wherein when the second receiving unit receives the second information, the judging unit examines whether the first receiving unit has received the first information, and if the first receiving unit has received the first information, the judging unit judges that the image is to be processed and output (col. 7 lines 40-57).

[Claim 7]

Aoki teaches wherein when the second receiving unit receives the second information, the judging unit examines whether the first receiving unit has received the first information, if the

first receiving unit has received the first information, the judging unit judges that the image is to be output without being processed (col. 7 lines 40-57).

[Claim 8]

Aoki teaches wherein when the second receiving unit receives the second information, the judging unit examines whether the first receiving unit has received the first information, if the first receiving unit has received the first information, the judging unit judges that the image is not to be output (col. 7 lines 40-57).

[Claim 26]

Aoki teaches wherein the receiving unit comprises: a first receiving unit operable to receive the first information from the first transmission device; and a second receiving unit operable to receive the second information from the second transmission device (col. 7 lines 10-48).

Allowable Subject Matter

5. Claims 6, 9-11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
6. Claims 20-22 are allowed.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to YOGESH K. AGGARWAL whose telephone number is (571)272-7360. The examiner can normally be reached on M-F 9:00AM-5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh Tran can be reached on (571)-272-7564. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Yogesh K Aggarwal/
Primary Examiner, Art Unit 2622